

10010 GORMAN ROAD, LLC * **BEFORE THE**
PETITIONER * **PLANNING BOARD OF**
PLANNING BOARD CASE NO. 390 * **HOWARD COUNTY,**
MARYLAND

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DECISION AND ORDER

On June 7, 2012, the Planning Board of Howard County, Maryland, in accordance with Subsection 107.E.1. of the Howard County Zoning Regulations, opened a public hearing to consider the petition of 10010 Gorman Road, LLC for approval of a Preliminary Equivalent Sketch Plan (SP-10-005), consisting of 171 single-family detached (SFD) and 49 single-family attached residential lots and 36 open space lots on 127.59 acres of land zoned “R-ED” (Residential - Environmental Development). The subject property is located on the east side of Gorman Road, 2,500 feet north of Skylark Boulevard, is identified as Parcel 472 on Tax Map 47, and is in the Sixth Election District of Howard County, Maryland.

The Notice of the Hearing was published and the subject property was posted in accordance with the Planning Board’s requirements, as evidenced by certificates of publication and posting, all of which were made a part of the record in this case. Pursuant to the Planning Board’s Rules of Procedure, all of the reports and official documents pertaining to the Petition, including the petition, the Technical Staff Report of the Department of Planning and Zoning, the Howard County Code, the Howard County Design Manual, the 2000 General Plan of Howard County, Howard County Zoning Map, Howard County Zoning Regulations, Howard County Subdivision and Land Development Regulations including the Forest Conservation Regulations and Manual, the Howard County Landscape Manual, the Adequate Public Facilities Ordinance, and the subdivision plan and the comments from the Subdivision Review Committee agencies were made part of the record in this case.

FINDINGS OF FACT

1. David Boellner of the Department of Planning and Zoning (DPZ), Division of Land Development (DLD) presented the Technical Staff Report, which recommended approval of the Preliminary Equivalent Sketch Plan subject to outstanding DLD and Development Engineering Division (DED) comments, conveyed to the petitioner by DPZ letter dated December 14, 2011, being addressed on plan originals.
2. The Petitioner was represented by Todd D. Brown, counsel for the petitioner. Mr. Brown acknowledged agreement with the DPZ staff report recommendation. Mr. Brown entered the Petitioner's Exhibit No. 1, "Wincopia Farms", a full-size rendering of the preliminary equivalent sketch plan. Mr. Brown concluded his testimony by emphasizing that the perimeter of the proposed subdivision will be heavily forested, and stated that the subdivision plan complies with all Planning Board criteria for the "R-ED" Zoning Regulations.
3. Mr. Brown then called Carl Gutschick, partner at Gutschick, Little and Weber, P.A. (GLW) and principal-in-charge for the design of the proposed subdivision. Mr. Brown introduced Mr. Gutschick's resume into the record as Petitioner's Exhibit No. 2. Mr. Brown asked Mr. Gutschick if during the site investigations conducted by GLW any gravesites or cemeteries had been observed. Mr. Gutschick replied that the property had been walked extensively by GLW as well as by federal, State and local government agency personnel and that no gravesites or cemeteries were observed. Mr. Brown asked Mr. Gutschick to describe the Gorman Road improvements, and Mr. Gutschick described proposed geometric improvements, lane widening, and left-turn pockets to enhance vehicular safety, and emphasized that the improvements were a result of County requirements. Mr. Gutschick stated that the scenic character of Gorman Road would be preserved by using an open section roadway design and that berming and landscaping would buffer the road from the proposed

development. Mr. Gutschick stated further that the proposed density complies with the R-ED Zoning District regulations. Planning Board member Bill Santos asked Mr. Gutschick if the left-turn pockets were required as the result of a level-of-service or a safety issue. Mr. Gutschick replied that they were required to enhance vehicular safety. Mr. Santos inquired about the status of a red oak adjacent to Gorman Road and whether it will remain or be removed as part of the development. This was unresolved since the exact location of the tree was unknown. Planning Board member Jacqueline Easley asked Mr. Gutschick to describe the infrastructure improvements resulting in impacts to environmental features. Mr. Gutschick described the sanitary sewer, footbridge, sidewalk and pedestrian bridge, and stormwater management outfall structure designs and explained why impacts to environmental features were unavoidable. Mr. Grabowski then asked Mr. Gutschick to briefly describe the proposed pedestrian tunnel under Gorman Road. Mr. Gutschick described the tunnel and the sidewalk and footbridge system, and explained that this was a way to keep pedestrians, particularly students, from crossing Gorman Road, an open-section road lacking sidewalks. Mr. Gutschick also stated that the design also avoided the need for a crossing guard stationed at an at-grade crosswalk for students to reach the schools across the street, and that lighting of the tunnel had yet to be determined.

4. Jacqueline Sentell testified in opposition to the plan, stating that she was concerned about the loss of the “country” aspect of Gorman Road. Ms. Sentell expressed concern about the existing home located onsite and that it should be preserved as part of the proposed development or moved prior to the start of work. Ms. Sentell also testified that she felt that the number of homes proposed as part of the subdivision “overextends” the R-ED Zoning District. Ms. Sentell expressed general concern about excessive runoff entering the Middle Patuxent River, and testified that she felt the reforestation as part of the proposed subdivision

is insufficient. At this point the Chairperson stated that replanting is not required as part of the proposed forest conservation plan.

5. Judy George testified in opposition to the plan, emphasizing her dislike of the proposal. Ms. George stated that the plan was the result of “games being played” and “skullduggery” between the petitioner and the County. Ms. George testified that she was concerned that insufficient allocations [sic] existed at Gorman Crossing Elementary School to allow the proposed development to take place. Ms. George also stated her opinion that Gorman Road was dangerous and that something different should be done with the property.
6. Myra Phelps testified in opposition to the plan, stating that she had grown up near the property. Ms. Phelps stated that the area had been inhabited by the “Wincopia Indians” and that the property acquired its name from them. Ms. Phelps testified that she believed the property should be protected and that Gorman Road should not be widened. Ms. Phelps also testified that the previous owners of the property, the Hearn family, told her of grave sites on the property.
7. Mr. Brown then cross-examined Ms. Phelps, asking her if she was aware if traffic signal improvements were associated with the development. Ms. Phelps replied that she was unaware of traffic signal improvements. Mr. Brown concluded his cross-examination of Ms. Phelps by asking her if she had observed grave sites on the property. Ms. Phelps replied that she had observed no grave sites on the property.
8. The Planning Board finds that the subdivision effectively protects, preserves and minimizes disturbance to the environmental resources located on the subject property. The subdivision proposes open space acreage that is greater than the acreage required. The open space will contain areas of streams, wetlands, environmental buffers, floodplain, steep slopes, and forest conservation easements retaining existing forest stands. Environmental resources will be

preserved and protected within open space lots that will be dedicated to either a Homeowners Association or Howard County.

9. The total limit of disturbed area for the proposed development including the public road, public utilities, house pad sites for building lots and stormwater management facilities will involve approximately 75.0 acres or 59% of the site.
10. The Planning Board finds that the proposed layout of lots and open space effectively protects environmental and historic resources by the following means:
 - a. Impacts to environmental resources are limited to those necessary to ensure public health and safety;
 - b. Residential lots and interior public roads are restricted in location to the flat and gently sloping area of the site lacking environmental resources;
 - c. Virtually all environmental resources are located on open space lots;
 - d. The area of open space exceeds the minimum required;
 - e. Inclusion of smaller single-family attached lots in the plan allows the subdivision to achieve the maximum units allowed while using less land area;
 - f. Removal of specimen trees is limited to that resulting from activities considered essential for reasonable development of the property.
 - g. There are no historic structures or historic resources on the property.
 - h. By employing the planning and design techniques listed above, impacts to environmental resources resulting from the proposed development have been reduced to the greatest extent practicable.
11. The Planning Board finds that buildings, parking areas, roads, stormwater management facilities and other site features are located to take advantage of existing topography and to limit the extent of clearing and grading by locating these features on the flatter interior

portions of the property, limiting the proposed limit-of-disturbance to 75.0 acres or 59% of the gross area of the site.

12. The Planning Board finds that setbacks, landscaped buffers, or other methods are proposed to buffer the development from existing neighborhoods or roads, especially from designated scenic roads or historic districts by the following means:
 - a. Over 90% of the subdivision perimeter is forested open space, providing a strong visual buffer to surrounding properties;
 - b. The depth of contiguous on-site and off-site forest open space varies from 80' to many hundreds of feet
 - c. No new structure will be closer than 90 feet from the right-of-way of Gorman Road, a designated scenic road.
13. Gorman Road is listed on the scenic roads inventory; the project must therefore meet the requirements of Section 16.125, Protection of Scenic Roads. Gorman Road along the project frontage is a narrow two-lane minor collector road with severe horizontal and vertical alignment deficiencies. The developer has submitted a plan which provides a visual buffer between Gorman Road and the proposed residential units using a combination of grading and landscaping. No new structure will be closer than 90 feet from the Gorman Road rights-of-way. Gorman Road will be improved by widening and curvature realignment to ensure the safety of vehicular traffic. Pedestrian traffic will be segregated from Gorman Road by a tunnel beneath the road connecting the Wincopia Farms development to the Board of Education property and by a sidewalk system connecting Wincopia Farms to the proposed Walden Woods development to the south.
14. The proposed subdivision plan design has been determined adequate in taking advantage of the uniqueness of the site's topography by minimizing the limits of clearing and grading

necessary to construct houses, public roads, stormwater management facilities and public utilities.

15. Setbacks, landscaping, and other methods are proposed to buffer the development from existing adjacent residential dwellings and roads. A landscape buffer and large forest conservation easements consisting of retention of existing forest in open space lots will adequately buffer the proposed development from the surrounding neighborhood.
16. Sensitive environmental areas will be permanently protected by dedication as open space lots and in forest conservation easements.

CONCLUSIONS OF LAW

The proposed preliminary equivalent sketch plan, SP-10-005, satisfies all standards for approval of a preliminary equivalent sketch plan provided in Subsection 107.E.6 of the Howard County Zoning Regulations for the reasons stated in the Department of Planning and Zoning Technical Staff Report.

For the foregoing reasons, the petition of 10010 Gorman Road, LLC for approval of a preliminary equivalent sketch plan for 171 single-family detached residential lots, 49 single-family attached residential lots, and 36 open space lots located on approximately 127.59 acres of land zoned R-ED, is the 27th day of June, 2012, APPROVED by the Planning Board of Howard County.

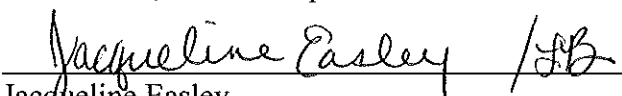
HOWARD COUNTY PLANNING BOARD



David Grabowski, Chairperson

Absent

Paul Yelder, Vice Chairperson



Jacqueline Easley

Bill Santos 12B

Bill Santos

Absent

Josh Tzucker

ATTEST:

Marsha McLaughlin

Marsha McLaughlin
Executive Secretary

REVIEWED FOR LEGAL SUFFICIENCY BY:
HOWARD COUNTY OFFICE OF LAW
MARGARET ANN NOLAN
COUNTY SOLICITOR

Paul T. Johnson

Paul Johnson
Deputy County Solicitor

LIST OF PETITIONER'S EXHIBITS

PB-390 (SP-10-005), Wincopia Farms

Exhibit No. 1, "Wincopia Farms" rendering

Exhibit No. 2, Carl K. Gutschick resume

LIST OF PROTESTANT'S EXHIBITS

(None)